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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/674,103

09/29/2003

Torrence Anderson

1251.191

2441

7590

10/10/2006

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EXAMINER

PLUMMER, ELIZABETH A

ART UNIT

PAPER NUMBER

3635

DATE MAILED: 10/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/674,103

Applicant(s)

ANDERSON ET AL.

Examiner

Elizabeth A. Plummer

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 9/29/2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13, 15-17, 19-23, 25-30, 32, 34 and 35 is/are rejected.
- 7) ☒ Claim(s) 14, 18, 24, 31 and 33 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 9/29/2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                                                    |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                               | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/29/2004</u> . | 6) <input type="checkbox"/> Other: _____                                                |

### DETAILED ACTION

This is a first Office action on the merits for application serial number 10/647,103 filed 9/29/2003. Claims 1-35 are pending.

#### *Drawings*

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4)

because:

a) reference character "128" has been used to designate both a hinge pin and a cross-bracing

b) reference character "552" has been used to designate both a hinge portion and a latch housing

c) reference character "534" has been used to designate both an aperture and a latch mechanism

c) reference characters "216" and "224" have both been used to designate the interlocking ridge on the edge (214) of the panel (202)

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the double boss connector having a first boss end and a second boss end must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure

number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

1. The disclosure is objected to because of the following informalities:

- a. page 16, line 15, typo "pockets" should read "sockets"
- a. page 19, lines 14 and 18, typo "pockets" should read "sockets"
- b. page 22, lines 18 and 21, typo "pockets" should read "sockets"
- c. page 27, lines 5 and 19, typo "pockets" should read "sockets"
- d. page 29, line 2, typo "pockets" should read "sockets"

Appropriate correction is required.

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: no mention is made of the double boss connector having boss a first boss end and a second boss end.

***Claim Objections***

3. Claim 6, line 4, and claim 7, line 4, recite the limitation "said locking posts."

There is insufficient antecedent basis for this limitation in the claim.

4. Claim 7, line 14, recites the limitation "said locking bosses." There is insufficient antecedent basis for this limitation in the claim.

5. Claim 15, line 21, recites the limitation "said second end portion," "said first end portion," and "said at least one T-connector." There is insufficient antecedent basis for this limitation in the claim. Perhaps applicant intended to the claim to be drawn to claim 14 instead of claim 10.

6. Claim 25, lines 1-2, recites the limitation "said inner surface." There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 112***

7. Claim 7 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The use of a double boss connector is not mentioned in either the specification or the drawings. Furthermore, it is not clear what socket the first end of the double boss connector is designed to be inserted.

***Double Patenting***

8. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the

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unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

9. Claims 1-6, 8-11, 16-17 and 34-35 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-9, 12-13 and 21-22 of U.S. Patent No. 6,892,497 in view of Greene (US Patent 6,796,087).

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a. Regarding claim 1, U.S. Patent No. 6,892,497 claims a heavy duty injection molded enclosure comprising a symmetrical floor assembly, a pair of side wall assemblies, a rear wall assembly, a door assembly and a roof assembly, which are disclosed to be formed of injection molded plastic. U.S. Patent No. 6,892,497 lacks four L-shaped corner pillars; however, it is well known in the art to incorporate corner pillars for increasing the strength and rigidity of an enclosure. For example, Greene discloses the use of corner posts (12), which are bent around the corners to form an L-shape (Figs. 1, 2, 13), in order to create a strong, durable and easy to assemble shed. It would have been obvious to one of ordinary skill at the same time the invention was made to modify U.S. Patent No. 6,892,497 to incorporate four L-shaped corner pillars, such as taught by Greene, in order to create a more durable and strong heavy duty enclosure.

b. Regarding claim 2, U.S. Patent No. 6,892,497 claims the invention except for two pairs of like-configured floor panel members with a top surface including means of attachment, a bottom surface constructed to provide rigidity, a first locking edge, a second locking edge, a ramp edge and a closed edge. It would have been a matter of obvious design choice to one of ordinary skill in the art at the same time the invention was made to form the floor panel members as smaller, multiple floor panels, such as to form two pairs of panel members, as U.S. Patent No. 6,892,497 is concerned with creating an easy to ship enclosure and floor assembly.

- c. Claim 3 of the application corresponds to claims 1 and 2 of U.S. Patent No. 6,892,497.
- d. Claim 4 of the application corresponds to claim 3 of U.S. Patent No. 6,892,497.
- e. Claim 5 of the application corresponds to claim 4 of U.S. Patent No. 6,892,497.
- f. Claim 6 of the application corresponds to claim 5 of U.S. Patent No. 6,892,497.
- g. Claim 8 of the application corresponds to claim 6 of U.S. Patent No. 6,892,497.
- h. Claim 9 of the application corresponds to claim 7 of U.S. Patent No. 6,892,497.
- i. Claim 10 of the application corresponds to claim 8 of U.S. Patent No. 6,892,497.
- j. Claim 11 of the application corresponds to claim 9 of U.S. Patent No. 6,892,497.
- k. Claim 16 of the application corresponds to claim 12 of U.S. Patent No. 6,892,497.
- l. Claim 17 of the application corresponds to claim 13 of U.S. Patent No. 6,892,497.
- m. Claim 34 of the application corresponds to claim 21 of U.S. Patent No. 6,892,497.



- n. Claim 35 of the application corresponds to claim 22 of U.S. Patent No. 6,892,497.

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 1, 2, 5, 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Greene (US Patent 6,796,087) in view of Skov et al. (US Patent 6,701,678).

a. Regarding claim 1, Greene discloses a heavy duty utility enclosure, preferably made of plastic (column 1, lines 35-47), comprising a symmetrical floor assembly, four L-shaped corner pillars (12), a pair of side wall assemblies, a rear wall assembly, a door assembly (16) and a roof assembly (Figs. 1,2). Greene does not disclose that the enclosure is formed by injection molding; however, it is well known in the art that plastic components can be formed by injection molding. For example, Skov et al. teaches an inexpensive, efficient and easy to assemble storage enclosure wherein the components may be formed by injection molding (column 3, lines 56-64). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Greene to use injection molded plastic, such as taught by Skov et al., in order to create strong and durable components.

b. Regarding claim 2, Greene discloses a symmetrical flooring assembly including floor pieces (11). The top surface of the pieces has a means of attaching the pieces to the side wall and door assemblies. The bottom surface is designed to provide strong, stable and durable support for the shed enclosure (column 9, lines 44-50). The locking edges of each of the pieces have apertures for fasteners into order to engage and connect with the locking edges of the other floor pieces. The floor pieces also include a ramp edge and a closed edge (Fig. 13). Greene does not disclose that the floor assembly comprises two pairs of the floor pieces. However, Greene teaches that the use of multiple, smaller floor pieces may facilitate easier handling and shipping (column 9, lines 57-58). It would have been a matter of obvious design choice to one of ordinary skill in the art at the same time the invention was made to form the flooring assembly with two pairs of like-configured floor pieces, as Greene's enclosure is concerned with being easy to manufacture and ship.

c. Regarding claim 5, Greene in view of Skov et al. discloses the claimed invention except for locking bosses arranged on the top surface of the flooring assembly which are used to connect to the side wall and corner pillars. However, Greene discloses bosses (96, 60) on the side wall assemblies and the corner pillars. It would have been obvious to one having ordinary skill in the art at the same time the invention was made to place the bosses on the flooring assembly, as it has been held that mere reversal of the essential working parts of a device involves only routine skill in the art. In re Einstien, 8 USPQ 167.

- d. Regarding claim 8, the bottom surface of the floor pieces (11) have integrally formed cross-bracing (Fig. 4).
  - e. Regarding claim 9, the enclosure includes four side panels (18), with two panels on the left and two panels on the right (Fig. 1).
12. Claims 1, 6, 9, 10, 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Skov et al. (6,701,678) in view of Greene (6,796,087).
- a. Regarding claim 1, Skov et al. discloses an injection molded heavy duty utility enclosure (column 3, lines 56-64) comprising a symmetrical floor assembly (12), a pair of side wall assemblies (14), a rear wall assembly (24), a door assembly (28) and a roof assembly (18). Skov et al. does not disclose that the enclosure further comprises four L-shaped corner pillars; however, it is well known in the art that L-shaped corner pillars can be used to increase the strength and durability of an enclosure. For example, Greene teaches a strong and easy to assemble enclosure further comprising L-shaped corner pillars. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Skov et al. to use L-shaped corner pillars, such as taught by Greene, in order to create a stronger and more durable enclosure.
  - b. Regarding claim 9, Skov et al. discloses two side wall assemblies (14) consisting of two side wall panels (22) each (Fig. 1).
  - c. Regarding claims 10 and 16, the side wall panels (22) and rear wall panels (24) have a first longitudinal end with an attachment means (40,202) for connecting to a roof assembly, a second longitudinal end with an attachment

means (42) for connecting to a flooring assembly, and first and second horizontal edges with attachment means (38) on each side.

d. Regarding claim 15, Skov et al. discloses an attachment means (128) for connecting the horizontal edges of two panels wherein a T-shaped connector (140) is inserted into keyhole slot (130,134) and slid downward so that the head of the T-shape (144) secures the T-shaped connector in place (column 6, lines 13-33).

13. Claims 6 and 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Skov et al. (6,701,678) in view of Greene (6,796,087) as applied to claims 1,9 and 10 above, and further in view of Paz et al. (US Patent 6,250,022).

a. Regarding claim 6, Skov et al. discloses a door assembly (28). Skov et al. does not disclose the particulars of which the hinging mechanism is used to connect the door assembly to the enclosure. However, it is notoriously well known in the art that doors can be attached to an enclosure through the use of at least one pin. For example Paz et al. teaches an enclosure where a door assembly is connected to the enclosure in a pivotal fashion through the use of a hinge pin (62) is located on the top surface of the flooring assembly, adjacent to bosses and a ramp edge. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Skov et al. to include at least one hinge pin, such as taught by Paz et al., in order to create a smoother pivotal connection between the door and enclosure.

b. Regarding claim 11, Skov et al. in view of Greene discloses the invention as claimed except for the first longitudinal end and the second longitudinal end using an attachment means consisting of an at least one integrally formed socket. However, it is well known in the art that an attachment means between a longitudinal edge and a roofing or flooring assembly can be in the form of a socket connection. For example, Paz et al. teaches a strong utility shed comprising side panels (34) with integrally formed sockets (96) for connections between the longitudinal edges and either the roofing or flooring assembly. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Skov et al. in view of Greene to include integrally formed sockets in order to create a stronger and easier to use attachment means.

c. Regarding claims 12 and 13, Skov et al. in view of Greene discloses the invention as claimed except for a horizontal edge ridge and a horizontal edge groove each extending from one longitudinal end to the other. However, it is well known in the art that side wall panels can be connected through an interlocking ridge and groove system. For example, Paz et al. teaches side panels (34) that interlock (Fig 5A) through the use of a groove (100) and a ridge (99). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Skov et al. in view of Greene to use side panels with a groove and ridge for attachment purposes, such as taught by Paz et al., in order to create a strong and easier to align attachment means.

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14. Claims 19-23, 25-28 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Greene (US Patent 6,796,087) in view of Skov et al. (US Patent 6,701,678) as applied to claim 1 above, and further in view of Skov et al. (US Patent 6,581,337).

a. Regarding claim 19, Greene discloses the claimed invention except for a roof assembly including at least two headers, a ridge cap assembly and two pairs of like-constructed roof panels. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the roofing assembly of Skov et al. ('337), which teaches at least two headers (102), a ridge cap assembly (112) and two pairs of like-constructed roof panels (110) (Fig.18), instead of the roof assembly of Greene, as the examiner takes Official Notice of the known equivalence of Skov et al.'s roofing assembly to Greene's roofing assembly. The selection of any of the known equivalents to either Skov et al.'s or Greene's roofing assembly would be within the level of one having ordinary skill in the art.

b. Regarding claim 20, Skov et al. ('337) discloses support beams (178) that increase the structural load bearing capacity of the roofing assembly.

c. Regarding claims 21-23, Skov et al. ('337) discloses the beam can be constructed with metal, plastic or other known materials (column 3, lines 46-61); Skov et al. does not specifically disclose the support beam being made of steel or a composite material. However, it would have been a matter of obvious design choice to form beam out of steel or a composite material since it has been

held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. In re Leshin, 125 USPQ 416.

d. Regarding claim 25, the inner surface of the two headers are arranged to cooperate with a support beam (106).

e. Regarding claims 26 and 27, Skov et al. ('337) discloses the claimed invention except for the ridge cap assembly being constructed of two like portions. It would have been a matter of obvious design choice to one of ordinary skill in the art at the same time the invention was made to form the ridge cap assembly in smaller, multiple parts with a weatherstrip seal, as Skov et al. is concerned with creating a weather resistant enclosure that is also easy to ship.

f. Regarding claim 28, Skov et al. ('337) discloses a support beam (106) which cooperates with the ridge cap (112).

g. Regarding claim 30, Skov et al. ('337) discloses roof panels (110) which include an outer surface, an inner surface, a first locking edge, a second locking edge, and closed edges opposite the locking edges. The first locking edge of the panel (110) is constructed with tabs (168) that cooperate with the ridge cap (112) (Fig. 15,17). The second locking edge is constructed with flanges (170) to attach adjacent roof panels.

15. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Greene (US Patent 6,796,087) in view of Skov et al. (US Patent 6,701,678) and Skov et al. (US Patent 6,581,337) as applied to claim 28 above, and further in view of Bumann (US

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Patent 1,936,571). While Skov et al. ('337) does not disclose the ridge cap assembly further comprising an anti-lift strap, it is well known in the art that an anti-lift strap can be used in order to further secure a ridge cap. For example, Bumann teaches a securing strip (20) with strap portions (31) which having a bearing engagement upon a ridge cap (28) in order to hold the ridge cap in place (page 2, lines 88-100). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Greene in view of Skov et al. ('678) and Skov et al. ('337) to include an anti-lift strap, such as taught by Bumann, in order to create a stronger roofing assembly and enclosure.

16. Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Greene (US Patent 6,796,087), Skov et al. (US Patent 6,701,678), and Skov et al. (US Patent 6,581,337) as applied to claim 19 above, and further in view of Paz et al. (US Patent 6,250,022). Regarding claim 32, Greene in view of Skov et al. ('678) and Skov et al. ('337) teaches the invention as claimed except for a plurality of spaced apart structural tubes extending through each of the roof panels. However, it is notoriously well known in the art that roof panels can have structural tubes extending through them in order to increase the strength of the panel and roofing system. For example Paz et al. teaches roofing panels (38) with tubes (202) for strengthening the panel. It would have been obvious to one in ordinary skill in the art at the time the invention was made to modify Greene in view of Skov et al. ('678) and Skov et al. ('337) to include structural tubes, such as taught by Paz et al., in order to create a stronger and more durable roofing assembly and enclosure.



***Allowable Subject Matter***

17. Claims 14, 18, 24, 31 and 33 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

***Contact Information***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elizabeth A. Plummer whose telephone number is (571) 272-2246. The examiner can normally be reached on Monday through Friday, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Naoko Slack can be reached on (571) 272-6848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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